



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Kenneth F. Gay, et al.)
Serial No. 09/954,464) Examiner K. Tran
Filed: September 14, 2001) Group Art Unit 3634
For: "Open Frame Shelf Assembly")

COMMISSIONER OF PATENTS AND TRADEMARKS
ALEXANDRIA, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Your Petitioner, K'EFFS, Inc., a corporation of the State of Ohio, having an office at 2117 South High Street, Columbus, OH 43207, represents that it is the Assignee of application Serial No. 09/954,464, filed September 14, 2001, as set forth in the Assignment recorded in the records of the United States Patent and Trademark Office at Reel 9134, Frame 0149. Your Petitioner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent granted based on application Serial No. 09/058,402, filed April 09, 1998, and hereby agrees that any patent so granted on the above-identified application Serial No. 09/954,464 shall be enforceable only for and during such period that the legal title to any patent granted based on application Serial No. 09/058,402 shall be the same as the legal title to any patent issuing from application Serial No. 09/954,464, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the statutory term of any patent granted based on application Serial No. 09/058,402 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a re-examination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The evidentiary documents referred to above in connection with this Terminal Disclaimer have been reviewed by the undersigned and it is hereby certified that to the best of Petitioner's knowledge and belief, title is in Petitioner seeking to take this action.

K'EFFS, INC.

Date 4 May 2004

Gerald L. Smith, Agent